

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YORKSHIRE TOWERS COMPANY, L.P. and
YORKSHIRE TOWERS TENANTS ASSOCIATION,

Plaintiffs,

-against-

UNITED STATES DEPARTMENT OF
TRANSPORTATION, et al

Defendants.

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YORKSHIRE TOWERS COMPANY, L.P. and
YORKSHIRE TOWERS TENANTS ASSOCIATION,

Plaintiffs,

-against-

THE FEDERAL TRANSIT ADMINISTRATION, et al

Defendants.

Case No. 11-cv-1058 (TPG)

**PLAINTIFFS' NOTICE OF
MOTION TO PRESERVE
STATUS QUO BY STAYING
ACCELERATION OR
COMMENCEMENT BY
DEFENDANTS OF SO MUCH
OF SAS PROJECT IN
FURTHERANCE OF THE
IMPLEMENTATION OF THE
RESIDENTIAL MIDBLOCK
ENTRANCE ALTERNATIVE**

Case No. 10-cv-8973 (TPG)

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PLEASE TAKE NOTICE that upon the accompanying Declaration of Edward L. Cohen, dated October 11, 2011, the Declarations of Ernest A. Conrad, Jerome M. Lutin, dated October 12, 2011, the Declaration of Doron Gopstein, dated October 6, 2011, Exhibits 1 through 14 and Memorandum of Law in Support, Plaintiffs Yorkshire Towers Company, L.P. and Yorkshire Towers Tenants Association, will move this Court before the Honorable Thomas P. Griesa at the United States Courthouse, 500 Pearl Street, Courtroom 26B, New York, New York, on a date and time to be determined by the Court, for an order in Related Case No. 11-cv-1058, pursuant to Fed. R. Civ. P. 6(b), 12(i), 16 and 65¹:

¹ This motion is also being brought pursuant to the decision of the Court granting leave to Plaintiffs to move for the present injunctive relief on an adjourned date, spread unto the record of September 26, 2011.

1. Preserving the *status quo* by staying acceleration or commencement of so much of the Second Avenue Subway project (“SAS”) work in furtherance of the implementation of the Residential Midblock alternative subway entrance a/k/a the MTA’s Preferred Alternative No. 7 (the “RMA”) in front of Yorkshire Towers east of Second Avenue on 86th Street as well as any SAS work that depends upon, or is linked to, the building of the RMA, pending the determination of the merits of threshold issues regarding preparation of a Supplemental EIS with respect to the same subject matter.
2. Granting such other, further and different relief as is just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the briefing schedule² stipulated between the attorneys of record for the parties dated October 4, 2011 in Related Case 11-cv-1058, opposing papers by the Federal Defendants and the MTA Defendants to the present preliminary injunction motion, and in reply to the opposing papers by Plaintiffs to the companion limitations motion by defendants shall be served by ECF Filing no later than October 25, 2011; reply papers by Plaintiffs in further support of the present preliminary injunction motion shall be served by ECF filing no later than October 28, 2011.

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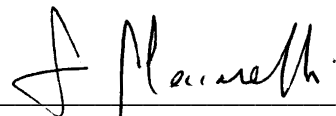
² In accordance with the same stipulated briefing schedule, Plaintiffs’ Declarations and Exhibits in Support of the present motion for preliminary injunctive relief are also being submitted in opposition to defendants’ companion limitations motion to dismiss (ECF nos. 23-26).

Dated: October 12, 2011
New York, New York

ANDERSON KILL & OLICK, P.C.

By: s/Jeffrey F. Glen
Jeffrey E. Glen (JG-8277)
Rene F. Hertzog (RH-9227)
1251 Avenue of the Americas
New York, New York 10020
(212) 278-1000
jglen@andersonkill.com
rhertzog@andersonkill.com

CECCARELLI WEPRIN PLLC

By: 
Joseph J. Ceccarelli (JC-5329)
Erik J. Berglund (EB-1820)
Two Wall Street
New York, New York 10005-2008
(212) 227-4848
jceccarelli@cecwep.com
eberglund@cecwep.com

Attorneys for Plaintiffs
Yorkshire Towers Company L.P.
and Yorkshire Towers Tenants Association

To: Preet Bharara
United States Attorney for the
Southern District of New York
By: Joseph Anthony Pantoja, Esq.
United States Attorney's Office, S.D.N.Y.
86 Chambers Street
New York, NY 10007
(212) 637-2200

Attorneys for Federal Defendants

Philip Elias Karmel, Esq.
Bryan Cave LLP
1290 Avenue of the Americas
New York, NY 10104
(212) 541-2000

Attorneys for MTA Defendants

Gordon Jay Johnson, Esq.
MTA Office of General Counsel
347 Madison Avenue, 9th Floor
New York, NY 10017
(212) 878-4633

Attorneys for MTA Defendants